

October 31, 2013

Marlene H. Dortch (**via ECFS**)
Secretary
Federal Communications Commission
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Kris Monteith (**via email**)
Acting Bureau Chief
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Gregory Hlibok (**via email**)
Chief, Disability Rights Office
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Washington, D.C. 20554

Re: *Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123*

Dear Ms. Monteith and Mr. Hlibok:

Sorenson Communications, Inc., (“Sorenson”) is committed to following the Commission’s rules and regulations, but as we have previously discussed, the rules often contain gaps or ambiguities that make it difficult to know what they require or how they apply in specific situations. I am writing to bring three such cases to your attention and to explain Sorenson’s approach to each. Sorenson believes that its reading of the rules is consistent with the text of the rules and the Commission’s intent in passing the rules. Nevertheless, it wanted to bring these issues to your attention so that the Commission can clarify the rules if the Commission has a contrary view. As explained below, this letter addresses three issues: (1) when Video Relay Service (“VRS”) providers must obtain the new self-certifications required by the Commission’s June VRS Reform Order¹ from their existing users; (2) how VRS providers should respond when

¹ *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech*

when a user preregisters for an international trip lasting less than four weeks but the user continues to make calls originating abroad for longer than four weeks or from different countries than originally specified; and (3) whether providers can discontinue support for Uniform Resource Locator (“URL”) dialing.

I. EFFECTIVE DATE OF NEW SELF-CERTIFICATION REQUIREMENTS.

The Commission has long required VRS providers to “register” their customers by obtaining the user’s name and address and to “verify” that the information provided is correct—by checking a photo ID, by mailing a postcard to the user’s house, or by other methods. The Commission also has required providers to obtain a self-certification from each user attesting that the user is deaf, hard of hearing, or speech disabled and that the user needs VRS to communicate. In June of this year, the Commission issued rules that will modify this process by transferring part of the responsibility for verifying users to a government contractor, which will run a database—the TRS User Registration Database (“TRS-URD”)—through which the verification process will occur. To verify a user, a provider will submit certain information to the database. The government contractor will match that information against public records and will notify the VRS provider whether the user was successfully “verified.” The new rules also require VRS providers to collect a new self-certification from existing users and submit a digital copy of that self-certification to the new database after it is operational.

In the text of the June VRS Reform Order, the Commission links the requirement to obtain the new self-certification with the requirement to submit that self-certification to the TRS-URD: “In order to be eligible for compensation from the TRS Fund for providing service to their registered VRS users, each provider is required to *obtain* from each registered user and *submit* to the TRS-URD a written self-certification”² The Order also makes clear that providers do not need to complete this process until 60 days after an announcement that the TRS User Registration Database is “ready to accept information.”³ Similarly, the rules codifying the order require providers to “collect and transmit to the TRS User Registration Database” a number of items, including “a digital copy of the user’s self-certification of eligibility for VRS and the date obtained by the provider.”⁴ But they make clear that providers need not submit the new certifications until 60 days after “notice from the Commission that the TRS User Registration Database is ready to accept such information.”⁵

Nevertheless, the new version of 47 C.F.R. § 64.611(a)(3)(i) creates a potential ambiguity. That rule states that a “VRS provider seeking compensation from the TRS Fund for providing VRS to a particular user registered with that provider must first obtain” the new self-

Disabilities, CG Docket Nos. 10-51 & 03-123, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd. 8618 (2013) (“*VRS Reform Order*”).

² *VRS Reform Order*, 28 FCC Rcd. at 8654 ¶ 80 (emphasis added).

³ *Id.* at ¶ 82.

⁴ 47 C.F.R. § 64.611(a)(4).

⁵ 47 C.F.R. § 64.611(a)(4)(ii)-(iii).

certification “attesting that the user is eligible to use VRS.” Unlike the requirements discussed above, the rule does not explicitly state a date for compliance. Nor has the Commission provided a clear statement of when the rule will go into effect: the notice of the rule in the Federal Register states that after the Office of Management and Budget approves the new rule, “[t]he Commission will publish a separate document in the Federal Register announcing the effective date.”⁶

Based upon the language of the *VRS Reform Order*, it seems evident that the Commission did not intend to require providers to collect the new self-certifications from existing users until after the TRS User Registration Database is operational—and certainly not as soon as the Office of Management and Budget approves the new rule, which could come within only a few months. This is particularly true in light of the Commission’s recent ruling in the context of IP Captioned Telephone Service (IP CTS), where the Commission gave providers 180 days to obtain new self-certifications from existing users, recognizing that a shorter period would not give providers enough time to register and certify users.⁷

Nevertheless, because it is possible to read the rules as requiring providers to *collect* new self-certifications months or years before they actually submit them to the database, Sorenson wanted to bring this issue to the Commission’s attention. Until the TRS User Registration Database is operational, Sorenson believes that the rules permit it to provide service to existing users—even if those users have not submitted the new self-certification required by the June 2013 order.⁸ Sorenson intends to provide service in reliance on its understanding that this is the Commission’s intent, and if the Commission reads the rule differently, please contact me as soon as possible.

II. INTERNATIONAL VRS CALLS.

Under the Commission’s rules, a VRS user may place VRS calls while travelling internationally if the user “pre-register[s] with his or her default provider prior to leaving the country” and provides the dates and locations of the planned travel.⁹ Calls originating from the specified locations and “during specified periods of time while on travel” are compensable from the interstate TRS fund.¹⁰ The Commission has cautioned, however, that it did not intend to fund “calls made by individuals who remain outside the U.S. for extended periods of time, which we

⁶ 78 Fed. Reg. 40582 (July 5, 2013).

⁷ *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 & 03-123, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-118, at ¶ 70 (rel. Aug. 26, 2013).

⁸ Of course, any existing user must have submitted the self-certification required by the rules prior to the June 2013 *VRS Reform Order*.

⁹ 47 C.F.R. § 64.604(a)(7).

¹⁰ *Id.*

define as more than four weeks.”¹¹ Consistent with these provisions, Sorenson allows users to pre-register international trips that are less than four weeks and will process their international calls during this period, but it does not allow pre-registration of longer trips.

A question arises, however, when a user pre-registers an international trip of less than four weeks but continues to place calls from an international IP address for more than four weeks. This situation could arise, for example, if the VRS user is delayed while abroad or otherwise decides to extend his or her trip.

When this situation arises, Sorenson plans to seek compensation for the calls that occurred during the pre-registered period but not for calls outside the pre-registered time period. Sorenson believes this comports with the relevant order, which allows compensation for calls “during specified periods of time while on travel.”¹² And Sorenson believes the Commission intended to allow compensation for calls that occur during the pre-registered period even if it is possible that the user ultimately remains outside the country for more than four weeks.

A similar question arises when a user preregisters a trip to a specific country but places calls from a different country within the same region. The Commission has recognized that users may change their plans and therefore requires only that users specify the region where they intend to travel. Accordingly, when a user preregisters a trip to a specific country but places calls from other countries within the same region, Sorenson will seek compensation for the calls.

III. URL DIALING.

It has now been many years since the Commission mandated the assignment of ten-digit North American Number Plan (NANP) telephone numbers to VRS users.¹³ Prior to the availability of NANP numbers for VRS users, it was common for users to place dial-around calls to other providers by using the other provider’s URL or IP address, and some users made point-to-point calls by dialing the IP address of the other user’s phone. Since the advent of ten-digit dialing, however, VRS providers now typically provide dial-around ten-digit numbers rather than URLs or IP addresses, which are more difficult to use, and the majority of VRS providers have eliminated support for dial-by-URL; in fact, three out of five VRS providers currently do not support dialing by URL on all or most of their videophones.

Because the VRS industry has largely eliminated support for dialing by URL and IP address and because users are now accustomed to using ten-digit numbers, Sorenson intends to

¹¹ *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd. 5545, 5564 ¶ 32 n.105 (2011).

¹² *Id.*

¹³ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd. 11,591, 11,601-02 ¶ 22 (2008).

phase out support for the dial-by-URL functionality. Sorenson believes that doing so is consistent with the FCC's rules. After eliminating support for dial-by-URL, users will still "be able to dial around to competing providers just as they do today"¹⁴—by dialing the ten-digit number of the dial-around provider. Furthermore, given that the industry's widespread elimination of support for dial-by-URL and the ease with which consumers can dial-around by ten-digit number, eliminating the feature will not "increase the difficulty of dialing alternative providers."¹⁵ Therefore, Sorenson believes that it will continue to meet the Commission's minimum standards following the change. Nevertheless, because the rules do not specifically address URL dialing, Sorenson believes it prudent to bring the issue to the Commission's attention.

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If the Commission believes that providers should take a different approach on any of the issues above, it should commence a proceeding to establish clear rules that apply equally to all providers.

Sincerely,



John T. Nakahata

Mark D. Davis

¹⁴ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123, CC Docket No. 98-67, WC Docket No. 05-196, Second Report and Order and Order on Reconsideration, 24 FCC Rcd. 791, 823 ¶ 70 (2008).

¹⁵ *Id.*